

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ELOISA COSAJAY,

Plaintiff,

v.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., CM REO
TRUST, AND SAXON MORTGAGE
SERVICES, INC.

Defendants.

CIVIL ACTION NO. CA10-442S

DEFENDANTS MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,
CM REO TRUST AND SAXON MORTGAGE SERVICES, INC'S MOTION TO
DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(1), the Defendants, Mortgage Electronic Registration Systems, Inc., CM REO Trust, and Saxon Mortgage Services, Inc. (collectively referred to as “Defendants”), hereby move for dismissal of the complaint of Plaintiff Eloisa Cosajay (“Plaintiff”).

In support of their motion, the Defendants submit herewith a Memorandum of Law.

WHEREFORE, Defendants, Mortgage Electronic Registration Systems, Inc., CM REO Trust, and Saxon Mortgage Services, Inc. (collectively referred to as “Defendants”) respectfully request that the Court dismiss the complaint of Plaintiff, Eloisa Cosajay, and enter judgment in their favor.

Respectfully submitted,
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., CM REO TRUST AND
SAXON MORTGAGE SERVICES, INC.
By Their Attorneys,

/s/ Samuel C. Bodurtha

Samuel C. Bodurtha, No. 7075
HINSHAW & CULBERTSON LLP
155 South Main Street
Providence, RI 02903
401-751-0842
401-273-8543 (facsimile)

Dated: November 30, 2010

HEARING REQUEST

The Defendants request a hearing on their motion to dismiss.

/s/ Samuel C. Bodurtha
Samuel C. Bodurtha

CERTIFICATE OF SERVICE

I, Samuel C. Bodurtha, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 30, 2010.

/s/ Samuel C. Bodurtha
Samuel C. Bodurtha